IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1309 OF 1997

WITH

CIVIL APPLICATION NO.7614 OF 1997

Nivrutti Bhikaji Shinde ...Appellant

Versus

Shankaram Bhikaji Shinde & Anr. ...Respondents

.....

Mr.P.S.Dani for Appellant.

Mr.Haridas i/b Mr.P.N.Joshi for Respondent No.1.

.....

CORAM: A.M.KHANWILKAR, J.

MARCH 21, 2006.

P.C.

1. Heard Counsel for the parties. This Appeal from Order challenges the Judgment and Order passed by the Joint Civil Judge, Senior Division, Nasik dated 23rd October 1997 below Exhibit 5 in Special Civil Suit No.517 of 1995, thereby vacating the ad-interim order dated 21st December 1995 and rejecting application Exhibit 5 for temporary

injunction.

2. While entertaining the present Appeal, this Court, on 28th November 1997 has passed interim order which has continued in favour of the Appellant so far. In all probability, the Suit must have been disposed of by now, as it pertains to year 1995. Assuming that the Suit is pending, at this distance of time, no fruitful purpose would be served by examining the contentious issues raised in this Appeal.

3. In the circumstances, keeping all questions open, the Appeal is disposed of with direction to the Trial Court to decide the suit expeditiously preferably by end of September 2006.

5. It is made clear that if there is any other older High Court or Supreme Court expedited matter pending before the Trial Judge, the same shall be given precedence and the present Suit shall be heard immediately thereafter, keeping in mind the outer limit provided in this order being end of September 2006.

6. All questions in the said Suit are left open to be decided by the Trial Court on its own merits in accordance with law, uninfluenced by the observations made in the impugned Judgement.

7. Interim arrangement directed by this Court to continue till the disposal of the Suit by the Trial Court.

8. Appeal and the Civil Application is disposed of on the above terms.

A.M.KHANWILKAR, J.